

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1340 OF 2003

Shri Shankar Tukaram Kawale & Ors. ...Petitioners
Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.R.S.Deshpande for Petitioners.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondents.

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CORAM: A.M.KHANWILKAR, J.

MARCH 15, 2005.

P.C.

1. Heard Counsel for the parties.

2. The allegations on the basis of which, criminal action is proceeded against Petitioners is that, in furtherance of the common intention with others, they showed area of the acquired land more than it existed, and showed trees in the acquired lands when in fact, no trees existed, and obtained thumb marks of the owners of the land, to show as

if they are paid compensation, and thereby misappropriated Government money by fabricating false documents. In other words, the Petitioners are prosecuted for offences punishable under Sections 467, 471, 409, 201 and 120-B read with Section 34 of the Indian Penal Code.

3. None of the allegations against the Petitioners, by any stretch of imagination, can be said to be act done in discharge of official duty. If it is so, prior sanction in respect of such allegations is wholly unwarranted. This is the substance of the view taken by the Court below. Hence, no reason to interfere. Dismissed.

A.M.KHANWILKAR, J.